IN THE HIGH COURT OF JUDICAURE FOR RAJASTHAN AT

JODHPUR

O R D E R

1. Ramesh Chandra Vs. State of Rajasthan

S.B.CR. MISC. BAIL APPLICATION NO.5849/2007

2. Mahavir Kumar Vs. State of Rajasthan

S.B.CR. MISC. BAIL APPLICATION NO.5999/2007

Date of Order : December 10, 2007

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr.Deepak Menaria, for petitioner Ramesh Chandra.
Mr.R.K.Soni, for petitioner Mahavir Kumar.
Mr.Ashok Upadhyaya, P.P. for the State.

BY THE COURT:

Both these criminal misc. bail applications have been filed by petitioners Ramesh Chandra and Mahavir Kumar arising out of one and same FIR being FIR No.114/2007, Police Station, Fateh Nagar, Distt. Udaipur.

I have heard learned counsel for the petitioners and the Public Prosecutor for the State. Carefully gone through the order impugned.

The allegation against petitioner Mahavir Kumar and his wife Smt. Saroj is that Smt. Saroj is an agent of small savings scheme and have collected Rs.4,40,000/- from the various depositors and deposited with the post office of which petitioner Ramesh Chandra is the Post Master. There are allegations that petitioner Mahvir Kumar having knowledge that various depositors have deposited the money as his wife Saroj is an agent for small saving scheme joined the hands with petitioner Ramesh Kumar and one Gautam Kumar, an employee of Department of Postals and by forging the various documents, closed the accounts of the depositors and withdrew the amount for gainful purpose and misappropriated. Prima facie, there is very strong evidence of cheating, forging of documents used them as genuine and the criminal misappropriation. There are number of cases against both the petitioners showing their clear involvement in commission of the offences noticed above. The matter is at the investigation stage and many more cases are yet to be detected. In the circumstances, therefore, when the matter is at the investigation stage and looking to the serious allegations against both the petitioners having conspired and

forged the various documents on small savings depositors and utilized the amount for their gainful purpose depriving the real depositors from the amount deposited by them causing them a wrongful loss, I do not find it a fit case to release the petitioners on bail at this stage.

The bail application filed by the petitioners under section 439 Cr.P.C. is, therefore, dismissed. However, it will be open for the petitioners to move a fresh bail application after filing of the challan.

[H.R.PANWAR],J.

m.asif/-